

**In the United States Court of Appeals
For the District of Columbia Circuit**

Public.Resource.Org, Inc. *et al*,

Petitioners,

v.

No. 23-1311

Federal Communications Commission, *et al*,

Respondents.

PETITIONERS' STATEMENT OF ISSUES

Pursuant to 5 U.S.C. § 553, all agencies are required to provide the public with notice and a meaningful opportunity to present their views on all proposed substantive rules. Respondent FCC did not publish the proposed rules at issue in this case in the Federal Register, and they were not otherwise reasonably available for use in commenting on them. In addition, 5 U.S.C. § 552(a)(1)(D) requires agencies to publish the text of final rules in the Federal Register, but respondent FCC has not done so for these rules, nor has it otherwise made them reasonably available, such as by posting them on its website.

The issues presented are

- (1) Did respondent FCC violate 5 U.S.C. § 553 by failing to make the text of the proposed rules at issue reasonably available so that petitioners could meaningfully comment on them?

(2) Did respondent FCC violate 5 U.S.C. § 552(a)(1)(D) by failing to publish the text of these final rules in the Federal Register or on its website or otherwise make them reasonably available so that petitioners could read, copy, and disseminate them?



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